

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
APRIL 8, 2014**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Annual Meeting Notice of December 31, 2013 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan
	Kevin Dotey
	Stephen Greco
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney:	Aravind Aithal
-----------	----------------

PROCLAMATIONS-NONE

APPOINTMENT

The Municipal Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #102-14

WHEREAS, James Morley has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

WHEREAS, Chief Young is recommending that James Morley be appointed to the position of Probationary Patrolman effective April 9, 2014 at an annual salary of \$49,346.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. James Morley is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective April 9, 2014 at an annual salary of \$49,346.00.
2. This resolution shall take effect immediately.

Councilwoman Tackach made a motion for adoption seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No.: None. Abstain: None.

Chief Young welcomed Patrolman Morley and his family to the Middlesex Borough Police Department. Chief Young thanked the Council for the support that they've given him and the entire department throughout the hiring process.

PRESENTATIONS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1849-14 for introduction:

**BOROUGH OF MIDDLESEX
COUNTY OF MIDDLESEX, NEW JERSEY**

**CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2013 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$167,032.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$389,741.49 and that the CY 2013 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilman President Kaplan made a motion for introduction, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No.: None. Abstain: None.

OLD BUSINESS

The Borough Clerk noted that Ordinance #1848-14 **AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY MANDING CHAPTER 129 OF THE CODE OF THE BOROUGH OF MIDDLESEX TO PERMIT THE MAINTENANCE OF COMMUNITY CATS IN MANAGED COLONIES** – adopted by the council on March 25, 2014 was vetoed by the Mayor on March 28, 2014.

The Borough Attorney advised the Governing Body that in the case of a mayoral veto, the veto comes back to the council who then has an opportunity to accept or comment on the veto or make a motion to override the veto and if they choose to override a roll call vote will be taken.

Councilman Kaplan made a motion to override the mayor's veto of Ordinance #1848-14 seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Tackach and Schueler. No: None. Abstain: None.

Mayor Dobies expressed that he denied the veto not because he is against cat colonies but because we should have a complete ordinance before we move ahead. He is pleased with the write-up he received from the attorney and is looking forward to the next meeting for the introduction of the amendments to that ordinance.

Councilman Kaplan stated that after the veto was taken the attorney, the committee for the Board of Health, Paws for Peace and himself sat down and made the adjustments to the ordinance.

ADOPTION OF MINUTES

Councilman Greco made a motion to approve the March 18, 2014 Special Meeting Minutes and the March 25, 2014 Regular and Executive Meeting Minutes seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan Schueler and Tackach. No: None. Abstain: None.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance –
 - A. Council President stated that he spoke to the auditor and we will be introducing the budget on April 22, 2014 when the auditor will be available for any questions from the Governing Body.
2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Greco stated that he attended the Little League Opening Day noting that John Ellery was recognized as a supporter of Little League and that it was a great experience overall.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - A. Councilman Dotey stated that the Borough Clerk scanned over a copy of the March Board of Health Report and reminded everybody that the Fireman's Carnival is April 21st through April 26th.
4. Public Works/Parks/Sanitation/Recycling
 - A. Councilman Schueler discussed the situation about the bleachers and the need for the approvals from the Construction Official. DPW may need to amend to comply with an ADA ramp. They are questioning whether the bleachers will still fit and be in compliance with ADA requirements. This must be reviewed before installation. Both DPW and Engineers are reviewing.

- B. Councilman Schueler discussed the potential savings in the building and grounds budget by not having them wax floors every month and since there is no contract we can change our policy in mid-year to every other month
 - 5. Police/Legal/Code Enforcement/Municipal Court
 - A. Councilwoman Jenkins made a motion to approve the Police Report for February, 2014 seconded by Councilman Schueler and carried by a unanimous vote of council.
 - 6. Administration/Department of Senior Services/Legislation/Licensing – Nothing to Report.
-

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2014(h)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing resolutions #108-14, #110-14, and #111-14 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #103-14 – Resolution #107
Resolution #109-14

Council President Kaplan made a motion for approval seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No.: None. Abstain: None.

The Borough Clerk read the following Resolution:

RESOLUTION #103-14

**RESOLUTION TO UTILIZE A THREE-YEAR AVERAGE TO CALCULATE THE RESERVE
FOR UNCOLLECTED TAXES**

WHEREAS, N.J.S.A. 40A:4-41 provides that the Governing Body may authorize to determine the reserve for uncollected taxes by using the average of the percentage of taxes levied that were received in cash by the last day of each of the three preceding fiscal years.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Middlesex hereby directs the Chief Financial Officer to utilize the three-year average of the Reserve for Uncollected Taxes for 2014.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #104-14

Accepting the resignation of Ellen Jurado from the Recreation Department effective May 31, 2014.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #105-14

Accepting the resignation of Mark Ciarlariello as the Fire Subcode HHS Inspector in the Construction Department effective April 7, 2014.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #106-14

The Tax Collector is hereby authorized to refund 1st quarter 2014 property taxes on the following property. The finance/mortgage company overpaid.

BLOCK/LOT	NAME & ADDRESS	AMOUNT
209/28	Cabrera, Carol	\$1,564.71

The check is to be made payable to: Pan, Ye
c/o Graziano, Piasecki & Whitelaw LLC
239 US 22 East, Suite 303
Green Brook, NJ 08812

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #107-14

Appointing Bob Teutsch as the Certified Public Works Manager for 40 hours per week at an annual salary of \$90,000 effective immediately. (This position includes roads, parks, sewers and garbage.)

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #108-14

Hiring Jim Ayotte as the temporary Fire HHS Inspector and William Boyle as the temporary Fire Subcode Official for \$508.00 per month each not to exceed 90 days. .

Councilman Schueler made a motion for approval seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #109-14

Approving Remington & Vernick to work with the Certified Public Works Manager and the Construction Official and prepare and sign the foundations drawings for the Girls' Softball Bleachers at Mountain View Park in an amount not to exceed \$1,000.

The Treasurer/Senior Finance Clerk hereby certifies that funds in the amount of \$1,000 are available in Account No. 04-1818-00-1818-81.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #110-14

Approving the beer tent at Mountain View Park on August 16, 2014 from 12 PM to 8 PM for the Fire Department wet down.

Council President Kaplan noted that the outside company providing the beer tent will supply the security and noted that the time on the resolution should be from 12 pm to 8 pm.

Councilman Schueler made a motion to approve the resolution as amended to include the time change from 12 p.m. – 8 p.m. seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #111-14

WHEREAS, bids were received March 20, 2014 for Blue Acres Demolition of State Properties;

WHEREAS, there were four bids received which are listed below:

Caravella Contractors, Inc. 40 Deforest Avenue East Hanover, NJ 07936	\$157,525.00
Wild Heart Bulk Landscape Supplies LLC 845 US Highway 206 Hillsborough, NJ 08844	\$140,000.00
KDP Developers, Inc. 220 Goodsprings Road Stewartsville, NJ 08886	\$348,800.00
Aurora Environmental, Inc. 1102 Union Avenue Union Beach, NJ 07735	\$395,982.00

WHEREAS, Partner Engineering and Science Inc. in concurrence with the Borough Attorney recommends to award the bid to Wild Heart Bulk Landscape Supplies LLC in the amount of \$140,000.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. Based upon the recommendation of Partner Engineering and the Borough Attorney, the governing body hereby awards the bid for the Blue Acres Demolition of State Properties to Wild Heart Bulk Landscape Supplies LLC in the amount of \$140,000.00.

NOW FURTHER BE IT RESOLVED, that the Temporary Chief Financial Officer hereby certifies that funds in the amount of \$140,000.00 are available in account 04-1808-00-1808-60.

Clarification was made that the demolition is for the 7 buyouts through the FEMA grant and Blue Acre Grant. The demolition is being covered by the grant with no cost to the Borough.

Councilman Schueler made a motion for approval seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #112-14

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Including the following Confirming Orders:

PO 55360	Rescue Wreckers, LLC	\$ 125.00
----------	----------------------	-----------

Councilman Schueler made a motion for approval, seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS-NONE

1. Purchase of Ryan Properties (between Second & Third Street) using Open Space Funding - Mayor Dobies stated that once the County buys the property they will turn it over to us and we could possibly use the area for a practice soccer field.

Borough Attorney updated the Council stating that Wilentz is representing both parties. They proposed a contract with the Ryan Estate to purchase property agreeing to do due diligence which would include environmental and at no cost to the Borough. After the environmental is done they would come to the closing table and transfer the right to purchase to Middlesex Borough with the cost being borne by the County. Closing is anticipated early summer.

2. Rocks At Victor Crowell Park – Council President Kaplan stated that two rocks were removed from the pile at VC Park and were returned. The Borough Attorney would like to meet with the Mayor, Council President Kaplan and T&M to discuss the Rocks that were placed at VC Park and see if we can get this resolved without going into litigation. Borough Attorney noted that the position T&M has taken at this point is that the former engineer is deceased and they have no paper trail. Council President Kaplan noted that

we have minutes stating that their former engineer told us we could put the rocks at VC Park.

3. Update on 223 Mountain Avenue Fines – Council President Kaplan spoke with our Code Enforcer and she stated that we are going to get reimbursed for the fence, fines, and work that has been done over the years.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

John Erickson, 209 Second Street questioned what the benefit to the taxpayer to use a three-year tax average and if we didn't use the three-year tax average what difference would be. Mr. Erickson also feels that the Borough should be hesitant about investing money for a soccer field along Second and Third Street even though we are getting Open Space Funding due to flooding in that area.

Mayor Dobies mentioned that the wood done by Cap Lane and Mountainview Park is free to the public.

John Madden, 103 Rock Lane wanted to know if there are any plans to restore the pocket park on Cap Lane. He also noted that there are 2 abandoned houses on Seventh Street and would like to see a short time frame when residents are out of the houses and they are demolished.

Amy Burke, 533 Giles Avenue wanted to take the opportunity to thank the Council for supporting Paws for Peace and for the Mayor for standing firm on his concerns so that we have a stronger ordinance now. She noted that they don't want to create more cats in Middlesex. This ordinance will help provide that more cats are neutered and vaccinated

Connie Stanzione, 30 Whitney Drive addressed the Governing Body on a few items (1) Ms. Stanzione had a concern on what was being done with the PARSA buildings and when will it be demolished. She stated that there is inappropriate activity going on there. She also stated that the kids were climbing on top of the Parks Department roof; (2) People are still playing soccer on the new tennis and basketball courts and she has called the police. She is concerned because these are new courts; and (3) There are kids in the community are driving on the grass at Mountainview Park making ruts and tire marks where they play horseshoes.

Mayor Dobies did mention that we are in the process of purchasing video cameras on the restrooms and the fields.

Steven Ember, 511 Grandview Street concurred with Amy Burke and thanked Council for finding a peaceful way of dealing with community cats. He is proud to live in a town that is heading in that direction. One of the key points we can achieve with this ordinance is through education in the schools and the community to spay and neuter their own animals.

Mayor Dobies addressed all questions from the Public.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #113-14

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the Regular Meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Host Community Agreement – Importico and Republic Service
2. CFO
3. Administrator
4. Piscataway Sewer Charges

Councilman Dotey made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach No: None. Abstain: None.

Council President Kaplan moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

Council President Kaplan made a motion to adjourn the Regular Meeting seconded by Councilman Greco and carried by a unanimous vote of Council.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk